

7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

- (1) A one family dwelling per tract of land.
- (2) Educational Facility
- (3) Park, where off-street parking is provided for the users of such facilities.
- (4) Agricultural uses of land and usual agricultural buildings and structures.
- (5) Public safety facility.
- (6) Worship facility where off-street parking is provided as set forth in Section 8.4.
- (7) Limited Agricultural uses.
 - (a) The keeping of livestock animals, except buffalo, by a resident of the parcel requires that the parcel must be a minimum of one (1) acre in area.
 - (b) Large livestock animals, except buffalo, are allowed on a permanent basis at a ratio of two (2) animals per acre. Small livestock animals are allowed on a permanent basis at a ratio of four (4) per acre.
 - (c) Any stable, barn, shed, coop or other such structure to house livestock animals shall be a distance of at least twenty-five (25) feet from the property line of an adjacent owner and at least fifty (50) feet from any dwelling unit other than that of owner.
- (8) Family Day Care Home, Group Day Care Home, Day Care Center
- (9) Community Residential Facility-Provided eight occupants or less.
- (10) Retirement Home, Nursing Home.
- (11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).
- (12) Bed and Breakfast.

- (13) Community Garden.
- (14) On-Site Construction Office.
- (15) Public Building.
- (16) Public Institution.

7.1.1.2 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE

- (1) Accessory Building / Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Professional office in a residence.
- (3) Customary home occupation (see Definition of Home Occupation and Section 8.16).
- (4) Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.
- (5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) A second dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).
- (2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- (3) Utility Installation, minor.
- (4) Structures meeting the definition of accessory building/structure but without a principal use – residential use only; no commercial use allowed, (not accessory, stand-alone structure).
- (5) The excavation of sand and gravel.
- (6) Tourist Home.

**7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING
REQUIREMENTS PER SECTION 7.1.0**

7.8 MU DISTRICT – MIXED USE DISTRICT

7.8.1 MINIMUM LOT AREA

No minimum required

7.8.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.8.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.8.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.8.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

7.8.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.8.8 PERMITTED PRINCIPAL USES

- (1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts
- (2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:
 - (a) Administrative Services.
 - (b) Agricultural Sales (small equipment/machinery).
 - (d) Auction Sales.
 - (e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.
 - (f) Building materials, hardware and farm equipment sales and service.
 - (g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.
 - (h) Construction Material Sales.
 - (i) Contractor Yard, Small (8.15.1).
 - (j) Financial Services.
 - (k) Funeral Home.
 - (l) General Repair.
 - (m) General Sales.

- (n) General Services.
- (o) Health Care Center
- (p) Health Care Facility.
- (q) Hotel and Motel.
- (r) Microbrewery.
- (s) Off-Site Liquor Sales.
- (t) Outdoor sports and recreation/entertainment.
- (u) Professional Services.
- (v) Restaurant.
- (w) Recreational Vehicle Park.
- (x) Retail.
- (y) Secondhand Sales.
- (z) Shopping Center.
- (aa) Small Equipment Rental / Sales / Repair.
- (bb) Specialty Sales.
- (cc) Tavern.
- (dd) Veterinary Clinic – Small Animal.
- (ee) Vehicle Fuel Sales.
- (ff) Vehicle Repair.
- (gg) Vehicle Sales and Rental.
- (hh) Vehicle Services.
- (ii) Wholesale trade.
- (jj) Instructional Facility.
- (kk) Agricultural Commodity Storage Facility.

- (3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:
 - (a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
 - (b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.
 - (c) Landscaping requirements shall be in accordance with Section 8.18.
 - (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.
- (4) Mobile Home Park / Mobile Home Court.
- (5) On-Site Construction Office.
- (6) Gravel Pit (open cut mining operation).

7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

- (1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.
- (2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.
- (3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.
- (4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.
- (5) Home Occupations.

- (6) Professional Office in a Residence.

7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Manufactured housing sales.
- (2) Veterinary clinic, large animal.
- (3) Commercial kennel.
- (4) Large equipment rental / Sales / Repair.
- (5) Warehouse.
- (6) Animal shelter.
- (7) Administrative Government Center.
- (8) Composting facility.
- (9) Recycling center.
- (10) Solid waste transfer station.
- (11) Telecommunication facility.
- (12) Bus transit terminal.
- (13) Commercial parking lot.
- (14) Parking structure.
- (15) Taxi dispatch terminal.
- (16) Artisan shop.
- (17) Light manufacturing & assembly.
- (18) Garage, Public.
- (19) Indoor Entertainment.
- (20) Indoor Sports and Recreation.
- (21) Membership Club.
- (22) Parking Garage.

- (23) Tourist Home.
- (24) Utility Installation, Minor.
- (25) Worship Facility.
- (26) A second dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).

7.8.11 USES SPECIFICALLY NOT PERMITTED

- (1) Medical Marijuana Provider.
- (2) Sexually-Oriented Businesses.

SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the rezoning petition process.

The application for a rezoning petition must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the rezoning:

- (1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the boundaries of the proposed district.
- (4) A lot layout plan may be required indicating some or all of the following:
 - (a) Identify any covenants, liens, easements or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - (b) The land area of the parcel (found on deed, subdivision plat or certificate of survey at the Office of the County Clerk and Recorder or Planning Division).
 - (c) Describe the existing land use of the parcel and neighboring areas.
 - (d) Describe the anticipated impact upon neighboring property.
 - (e) On a site plan, indicate the dimensions of the property under consideration, the size and placement of existing structures, parking areas and landscaping areas.

- (f) On a site plan, indicate the location of existing curb cuts or access points.
 - (g) On a site plan indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application.
- (5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.
- (6) Prepare a statement which addresses the following considerations:
- (a) Made in accordance with the growth policy and
 - (b) Designed to:
 - (i) Secure safety from fire, and other dangers; and
 - (ii) Promote public health, public safety, and general welfare; and
 - (iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - (c) Reasonable provision of adequate light and air:
 - (d) The effect on motorized and non-motorized transportation systems;
 - (e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - (f) The character of the district and its peculiar suitability for particular uses; and
 - (g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
 - (h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.
7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars (\$750.00).

14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

- 14.3.1.1** The boundaries of the proposed district.
- 14.3.1.2** The general character of the proposed zoning regulations.
- 14.3.1.3** The time and place of the public hearing.
- 14.3.1.4** That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.
- 14.3.1.5** Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and
- 14.3.1.6** Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under (MCA) Title 15 Chapter 7 Part 202 or whose property is taxed as forest land under (MCA) Title 15, Chapter 44, Part 1 have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.